

REMARKS

This is in response to the Office Action dated February 22, 2008. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

Initially, to facilitate the Examiner's reconsideration of the application, the specification and abstract have been reviewed and revised in order to make a number of minor clarifying and other editorial amendments. To facilitate entry of the amendments, a substitute specification and abstract has been prepared. No new matter has been added. Also enclosed is a "marked-up" copy of the original specification and abstract to show the changes that have been incorporated into the substitute specification and abstract. The enclosed copy is entitled "Version with Markings to Show Changes Made."

Further, in response to the drawing objection, Fig. 9 has been amended to include the label "Prior Art" as required by the Examiner. A replacement sheet for Fig. 9 is submitted herewith.

Further, by the above amendment, claims 1-3 have been cancelled, claims 4-5 have been rewritten in independent form, and claims 6-11 are newly presented. Thus, claims 4-11 are currently pending in the present application.

On pages 6-7 of the Office Action, it is noted with appreciation that claims 4 and 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 4 has been amended to include the limitations of base claim 1 and intervening claim 2, and therefore amended claim 4 is now clearly allowable.

Also, claim 5 has been amended to include the limitations of base claim 1 and intervening claims 2-3, and therefore amended claim 5 is now clearly allowable.

Next, on pages 3-6 of the Office Action, claims 1-3 are rejected over the prior art. In particular, the Examiner relies on the Kanbayashi (U.S. Patent No. 6,594,039) and Lockwood (U.S. Patent No. 4,743,974) patents. It is submitted that the present invention, as embodied by new independent claims 6-9, clearly distinguishes over the Kanbayashi and Lockwood patents for the following reasons.

Claim 6

Independent claim 6 is similar to amended claim 4 but does not require the “second image sensor” (set forth in original claim 1) which the Examiner did not previously consider to be an allowable feature. Claim 6 does, however, require the features of original claim 4. In particular, the collective teachings of Kanbayashi and Lockwood do not disclose or suggest “document thickness detection means” for detecting the thickness of the document to move through said document transport path, or control means for performing a control operation to switch said transport switching means to said first path when the thickness of the document detected by said document thickness detection means is greater than a predetermined threshold value and to switch said transport switching means to said second path when the thickness of the document detected by said document thickness detection means is smaller than said predetermined threshold value. Thus, it would appear that claim 6 is allowable over the prior art of record.

Claim 7

Independent claim 7 is similar to amended claim 5 but does not require the “second image sensor” (set forth in original claim 1) which the Examiner did not previously consider to be an allowable feature. Claim 7 does, however, require the features of original claim 5. Thus, it would appear that claim 7 is allowable over the prior art of record.

Claim 8

Independent claim 8 includes all of the limitations of original claims 1-3 and further requires that “said first path is formed in parallel or substantially in parallel to said track of said document transport path at a position upstream of said scan point, the document traveling through said first path is directly output externally of said document table cover, and said second path is formed so as to be turned upward so that the document traveling through said second path is directly output externally of said document table cover. Thus, claim 8 requires separate paths, each of which outputs the document externally of the cover.

In contrast, the proposed Kanbayashi/Lockwood combination does not disclose the first and second paths but rather discloses a single side reading path, which outputs the document in a single location. In the rejection, the Examiner states that Lockwood ‘989 discloses a raised gate 59 in Fig. 1. However, Lockwood does not show the raised gate 50. Instead Acquaviva ‘451 discloses a raised gate 50 that switches a single side reading path and a “both” side reading path. However, the document traveling through either path is output through the single side reading path. Thus, it is submitted that claim 8 is clearly allowable over the prior art of record.

Claim 9

Independent claim 9 is similar to new claim 8 but does not require the “second image sensor” (set forth in original claim 1) which the Examiner did not previously consider to be an allowable feature. Claim 9 does, however, require the novel features of claim 8 (discussed above). Thus, it is submitted that claim 9 is allowable over the prior art of record.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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